

lands, the court observing that "the power of the United States to thus protect its land and property does not admit of doubt \* \* \* the game laws or any other statute of the State to the contrary notwithstanding."<sup>9</sup>

In Utah the Government sought to restrain a utility company from using lands of the public domain for certain public utility purposes authorized by State law. It was contended by the company that it had the right to use the lands for such purpose so long as they were not devoted to public uses, that when not so used by the Government they were subject to the jurisdiction of the State. The Supreme Court of the United States disagreed, stating that the inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy and use, to protect them from trespass and injury, and to prescribe the conditions upon which others may maintain rights in them, even though this may involve in some manner the exercise of what is commonly known as the police power.<sup>10</sup>

The United States owned land in the State of Ohio on which was located a national soldiers' home. Jurisdiction over this land was ceded to the United States but was later receded to the State by Congress. The governor of the home was arrested and tried for serving oleomargarine to the inmates in violation of the State law requiring the posting of certain notices where oleomargarine is used. The Supreme Court of the United States held that since Congress had approved the use of oleomargarine by appropriating money pursuant to detailed requisitions for rations of inmates of the home "whatever jurisdiction the State may have over the place or ground where the institution is located, it can have none to interfere with the provision made by Congress for furnishing food to the inmates of the home, nor has it power to prohibit or regulate the furnishing of any article of food which is approved by the officers of the home, by the board of managers and by Congress".<sup>11</sup>

The United States Circuit Court of Appeals sustained the right of the Secretary of the Interior to prescribe rules regulating the use of public highways transversing lands of the United States within the Rocky Mountain National Park. Although noting that the United States had jurisdiction over these highways by virtue of the resolution of the State Highway Commission executed by authority of State law, the court predicated its opinion upon the broader ground that the United States has the sovereign right

<sup>9</sup> *Hunt v. United States*, 278 U. S. 96, 100, 49 S. Ct. 38; see also *Camfield v. United States*, 167 U. S. 518, 525, 17 S. Ct. 864; *McKelvey v. United States*, 260 U. S. 353, 359, 43 S. Ct. 132; *United States v. Alford*, 274 U. S. 264, 47 S. Ct. 597.

<sup>10</sup> *Utah Light & Power Co. v. United States*, 243 U. S. 389, 404, 37 S. Ct. 387; see also *Surplus Trading Co. v. Cook*, 281 U. S. 647, 50 S. Ct. 455, 647; *Camfield v. United States*, 167 U. S. 518, 17 S. Ct. 864.

<sup>11</sup> *Ohio v. Thomas*, 173 U. S. 276, 283, 19 S. Ct. 453; *Ferris v. Wilbur*, 27 Fed. (2) 262.